

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE
FOR THE REGISTERED HOLDERS
OF WELLS FARGO
COMMERCIAL MORTGAGE
SECURITIES, INC.
MULTIFAMILY MORTGAGE PASS-
THROUGH
CERTIFICATES, SERIES 2018-SB51,
et al.,

Plaintiffs,

v.

ENGLEWOOD FUNDING, LLC;
LENOX TEMPLE LLC; LENOX
LIBERTY LLC; LENOX HUDSON
LLC; PLAINFIELD NORSE, LLC;
HACKENSACK NORSE LLC; POST
AVENUE VENTURES, LLC; FLR
VENTURES LLC; BROOKLAWN
NORSE, LLC; PENN NORSE LLC;
GARFIELD NORSE LLC;
ELIZABETH NORSE LLC; SUSSEX
NORSE LLC; ATLANTIC NORSE
LLC; CLIFTON DL VENTURES LLC;
BAYONNE BROADWAY NORSE
LLC; 137-139 THIRD NORSE LLC;
PASSAIC NORSE LLC; PERTH NB
VENTURES LLC; 2680 KENNEDY
VENTURES LLC; and SETH LEVINE,

Defendants.

Civil Action No.

19-17865 (MCA) (LDW)

ORDER

THIS MATTER having come before the Court by way of plaintiff OREC NJ, LLC's May 1, 2020 Motion for Entry of Default (ECF No. 80) and various plaintiffs' May 5, 2020 Motion for Default Judgment (ECF No. 81); and

WHEREAS on May 1, 2020, plaintiff OREC NJ, LLC filed a motion seeking entry of default against defendants Englewood Funding, LLC, Passaic Norse, LLC, 2680 Kennedy Ventures, LLC, and Seth Levine on the basis that there has been a failure to plead or otherwise defend as provided by Fed. R. Civ. P. 55(a) (ECF No. 80);

WHEREAS on May 5, 2020, six plaintiffs filed a motion that is styled as a motion for default judgment but in fact seeks entry of default against defendants Lenox Temple LLC, Lenox Liberty LLC, Lenox Hudson LLC, Plainfield Norse, LLC, Hackensack Norse LLC, Post Avenue Ventures, LLC, FLR Ventures LLC, Brooklawn Norse, LLC, Penn Norse LLC, Garfield Norse LLC, Elizabeth Norse LLC, Sussex Norse LLC, Atlantic Norse LLC, Clifton DL LLC Ventures LLC, Bayonne Broadway Norse LLC, 137-139 Third Norse LLC, Perth NB LLC Ventures LLC, and Seth Levine on the basis that there has been a failure to plead or otherwise defend as provided by Fed. R. Civ. P. 55(a) (ECF No. 81); and

WHEREAS Rule 55(a) of the Federal Rules of Civil Procedure provides that “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default;” and

WHEREAS plaintiffs' instant motions incorporate in their certifications an acknowledgment of service signed February 5, 2020 by Mr. Lubertazzi of McCarter & English, LLP on behalf of defendants Englewood Funding, LLC, Passaic Norse, LLC, 2680 Kennedy Ventures, LLC, Lenox Temple LLC, Lenox Liberty LLC, Lenox Hudson LLC, Plainfield Norse, LLC, Hackensack Norse LLC, Post Avenue Ventures, LLC, FLR Ventures LLC, Brooklawn Norse, LLC, Penn Norse LLC, Garfield Norse LLC, Elizabeth Norse LLC, Sussex Norse LLC,

Atlantic Norse LLC, Clifton DL LLC Ventures LLC, Bayonne Broadway Norse LLC, 137-139 Third Norse LLC, Perth NB LLC Ventures LLC, and Seth Levine (ECF No. 62); and

WHEREAS under New Jersey Court Rule 4:4–6, service is proper when the receiving party executes an acknowledgment of service: “A general appearance or an acceptance of the service of a summons, signed by the defendant's attorney or signed and acknowledged by the defendant (other than an infant or mentally incapacitated person), shall have the same effect as if the defendant had been properly served,” *see Staskewicz v. Harrington Corp.*, No. CIV. 10-3361 RBK/AMD, 2011 WL 976498, at *2 (D.N.J. Mar. 14, 2011); and

WHEREAS the defendants’ time to answer or otherwise respond to the First Amended Verified Complaint has expired (*see* ECF No. 62), and to date no defendants have answered or otherwise defended this action; and

WHEREAS a motion on notice is not required here, as the entities have not appeared in this action;

IT IS, on this 11th day of May 2020:

ORDERED that plaintiffs’ May 1, 2020 and May 5, 2020 motions for Clerk’s entry of default are **GRANTED**; and it is further

ORDERED that the Clerk of Court is hereby directed to enter default against defendants Englewood Funding, LLC, Passaic Norse, LLC, 2680 Kennedy Ventures, LLC, Lenox Temple LLC, Lenox Liberty LLC, Lenox Hudson LLC, Plainfield Norse, LLC, Hackensack Norse LLC, Post Avenue Ventures, LLC, FLR Ventures LLC, Brooklawn Norse, LLC, Penn Norse LLC, Garfield Norse LLC, Elizabeth Norse LLC, Sussex Norse LLC, Atlantic Norse LLC, Clifton DL LLC Ventures LLC, Bayonne Broadway Norse LLC, 137-139 Third Norse LLC, Perth NB LLC Ventures LLC, and Seth Levine pursuant to Fed. R. Civ. P. 55(a); and it is further

ORDERED that the Clerk of Court is directed to terminate the motions at ECF Nos. 80, 81.

s/Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge